

Exhibit K

Instruction No. 11

The defendant is charged in the indictment with the crime of assault on a federal officer in violation of Section 111(a) of Title 18 of the United States Code. Specifically, it is charged in the indictment that on or about April 2, 2012, in the Northern District of California, the defendant Jose Antonio Gutierrez did forcibly assault a person designated in Title 18 United States Code section 1114, namely Deputy United States Marshal Shaygan Shakeri, and did make physical contact with Deputy United States Marshal Shakeri while Shakeri was engaged in and on account of the performance of official duties, specifically, that defendant lunged toward Deputy United States Marshal Shakeri, made physical contact with him and shoved him from behind with both hands.

In order for the defendant to be found guilty of this charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant forcibly and intentionally assaulted Deputy U.S. Marshal Shaygan Shakeri;

Second, the defendant did so while Deputy U.S. Marshal Shakeri was engaged in, or on account of his official duties; and

Third, the defendant made physical contact with Deputy U.S. Marshal Shakeri.

There is a forcible assault when one person intentionally strikes another, or willfully attempts to inflict injury on another, or intentionally threatens another coupled with an apparent ability to inflict injury on another which causes a reasonable apprehension of immediate bodily harm.

1 "Intentionally" means that the act must have been done
2 deliberately and not by accident or mistake.